

PRISONER FILING A COMPLAINT UNDER
THE CIVIL RIGHTS ACT 42 USC § 1983

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND / ODESSA DIVISION

FILED
NOV 30 2020
CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY N. T.
DEPUTY

DAVID RAMIREZ

#224017

VS.

COMPLAINT

7:20-CV-274

MIDLAND COUNTY

COURT OF LAW

441ST JUDICIAL DISTRICT

JUDGE ROBNETT

PRISONER COMPLAINT OF VIOLATION
OF CIVIL RIGHTS

NOW COMES DAVID RAMIREZ, PLAINTIFF AND
FILE THIS COMPLAINT OF DEPRIVATION OF CIVIL
RIGHTS AGAINST MIDLAND COUNTY COURT OF LAW
441ST JUDICIAL DISTRICT, JUDGE ROBNETT AND FOR
GOOD CAUSE SHOWS THE FOLLOWING.

I.

PREVIOUS LAWSUITS

PLAINTIFF HAS NOT BEGUN OTHER LAWSUITS WHETHER IN STATE OR FEDERAL COURT DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION OR OTHERWISE RELATING TO PLAINTIFF'S IMPRISONMENT.

II.

CONFINEMENT

PLAINTIFF, DAVID RAMIREZ, #224017 IS CURRENTLY CONFINED AND RESTRAINED OF LIBERTY BY THE MIDLAND COUNTY SHERIFF'S DEPT. IN THE MIDLAND COUNTY DETENTION CENTER WITH NO BOND AND HAS BEEN INCARCERATED SINCE DECEMBER 20TH, 2019. LOCATED AT 400 S. MAIN ST., MIDLAND TX. 79701.

A. THERE IS A GRIEVANCE PROCEDURE IN THIS INSTITUTION. PLAINTIFF HAS FILED A GRIEVANCE WITH MIDLAND COUNTY JAIL COMPLAINTING THAT PLAINTIFF'S CIVIL RIGHTS WERE VIOLATED IN THE CAPACITY THAT HIS ALLEGED CRIME IS NOT A CAPITAL OFFENSE THAT QUALIFIES HIM TO BE BAILABLE AS LINED OUT IN THE U.S. CONSTITUTION

III.PARTIES TO THIS SUITA. PLAINTIFF -

DAVID RAMIREZ

#224017

MAILING ADDRESS: PO BOX 11387
MIDLAND, TX. 79702PHYSICAL ADDRESS: 400 S. MAIN ST.
MIDLAND TX, 79701B. DEFENDANT -

MIDLAND COUNTY COURTS AT LAW

441ST JUDICIAL DISTRICT

JUDGE ROBBETT

PHYSICAL ADDRESS: 500 S. LORAIN ST.
SUITE 300
MIDLAND TX. 79701

IV

JURISDICTION

THIS COMPLAINT IS BROUGHT PURSUANT TO 42 U.S.C. § 1983, AND JURISDICTION IS BASED ON 28 U.S.C. § 1343. PLAINTIFF ALLEGES THE DEFENDANT ACTED UNDER COLOR OF STATE LAW WITH REGARD TO THE FACTS STATED IN PART V OF THIS COMPLAINT

V

STATEMENT OF CLAIM

ON DECEMBER 20TH, 2020, DAVID RAMIREZ WAS INTRODUCED INTO THE MIDLAND COUNTY JAIL FOR CAUSE NO.:

CR 53648 - STALKING

CR 52744 - BURGLARY OF HABITATION

CR 52875 - FAILURE TO APPEAR

CR 53179 - EVADING ARREST

AT THIS TIME JUDGE ROBNETT ISSUED A NO BOND ON ALL ABOVE CHARGES

PLAINTIFF COMPLAINS THAT HIS CIVIL
RIGHT TO BAIL WAS VIOLATED AT THIS TIME

TEXAS CONSTITUTION ARTICLE 18|| MANDATES
THAT ALL PERSONS SHALL BE BAILABLE BEFORE
CONVICTION EXCEPT DEATH IS A POSSIBLE
PUNISHMENT FOR THE OFFENSE OR OFFENSES
CHARGED OR THE PROOF IS EVIDENT OR THE
OR THE PRESUMPTION IS GREAT THAT THE PLAINTIFF
IS GUILTY.

THE CHARGES PENDING AGAINST THE PLAINTIFF
ARE CHARGES WHERE DEATH IS NOT A POSSIBLE
PUNISHMENT, AND THEREFORE ENTITLES THE
ACCUSED TO STATUTORY RIGHT TO BAIL.

SINCE THE INDICTMENT IN THIS MATTER
IS NOT EVIDENCE AND DOES NOT SATISFY THE
CONSTITUTIONAL REQUIREMENT "PROOF IS EVIDENT"

SINCE THE PLAINTIFF MUST BE PRESUMED
INNOCENT UNTIL PROVEN GUILTY, THE
CONSTITUTIONAL REQUIREMENT THAT THE
PRESUMPTION BE "GREAT" THAT THE PLAINTIFF
MAY BE GUILTY IS NOT SATISFIED

VI.

RELIEF

A. PLAINTIFF WISHES FOR THE ASSISTANCE OF A MORE SUPERIOR COURT TO EVALUATE THE FACTS AS TO WHY PLAINTIFF IS CURRENTLY DEPRIVED OF STATUTORY RIGHT TO BAIL.

B. PLAINTIFF WISHES FOR THE MORE SUPERIOR COURT TO ENTER AN ORDER DIRECTING THAT BAIL BE SET FOR MENTIONED CAUSE NUMBERS.

C. PLAINTIFF WISHES FOR THE MORE SUPERIOR COURT TO SET BAIL AMOUNT THAT DOES NOT VIOLATE PLAINTIFFS CONSTITUTIONAL RIGHT 8TH AMENDMENT STATING EXCESSIVE BAIL SHALL NOT BE REQUIRED. PLAINTIFF RESPECTFULLY REQUEST THAT BAIL BE SET TO \$2,500 FOR EACH OF THE 4 CAUSE NUMBERS STATED WITHIN THIS COMPLAINT, TOTALING \$10,000.

D. WHILE PLAINTIFF REQUEST THAT PRIORITY BE SET IN ESTABLISHING BOND IN THIS MATTER, DAVID RAMIREZ ADDITIONALLY SEEKS MONETARY RELIEF, CLAIMING THAT IF COURT HAD NOT DEPRIVED PLAINTIFF HIS STATUTORY RIGHT TO BAIL ON DEC. 20, 2019 THAT PLAINTIFF COULD HAVE POSTED BOND AND CONTINUED HIS LOCATION THAT CREATED AN INCOME FOR HIS FAMILY. PLAINTIFF CLAIMS HE AND HIS FAMILY WERE DEPRIVED AN INCOME FROM PLAINTIFF DURING HIS TIME OF INCARCERATION

WHEREFORE PREMISES CONSIDERED, PLAINTIFF RESPECTFULLY REQUEST THAT THIS MORE SUPERIOR COURT TO EVALUTE THE FACTS AND GRANT RELIEF HEREIN REQUESTED

I, DAVID RAMIREZ, PLAINTIFF DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT

EXECUTED ON THE 23RD DAY OF NOVEMBER, 2020

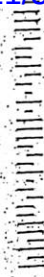
David Ramirez
DAVID RAMIREZ

PAID \$10.00
202 49017

MIDLAND COUNTY
JULIENNE CRYSTAL

PO BOX 11387

MIDLAND TX 79702



CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
200 E. WALL STREET ROOM 222
MIDLAND TX 79701

MIDLAND TX 797
WED 25 NOV 2020 PM



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